

REMARKS

Claims 1-7 and 33-35 were pending with Claims 1-5 being independent.

Claims 9-32 and 36-39 have been cancelled (without prejudice or disclaimer of that which is defined thereby).

In the Action at page 2, paragraph 1, the Examiner confirmed Applicants election with traverse to prosecute Claims 1-8 and 33-35. However, later in the paragraph, the Examiner indicates that Claim 6, 7 and 34 are drawn to non-elected inventions. This is clearly an error and inconsistent with Applicants' elections. Moreover, it is inconsistent with the Office Action Summary, which precedes that paragraph. Applicants' request express acknowledgement thereof and correction of that error in the next communication.

Section 112 Rejection:

Claims 1-5, 33 and 35 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for the reasons given at pages 2-3 of the Action.

The Examiner asserts at page 3 of the Action that the term "about" "is a relative term, which renders the claim indefinite."

Applicants traverse this determination.

The term "about" is used with a great deal of frequency in claiming inventions, particularly in the chemical arts. As of February 16, 2006, the advanced search feature of www.uspto.gov shows that this Examiner has passed to issue at least 122 U.S. patents having at least one claim using the term "about". Of these 122 U.S. patents, 20 have one or more claims directed to either a thermoset, epoxy or benzoxazine. Copies of these two searches are attached as Exhibits A and B.

At least for the reason that applicants for Letters Patent should be able to count on predictable and consistent action from the U.S. Patent and Trademark Office, Applicants respectfully request that the Examiner reconsider and withdraw the Section 112 determination.

Miscellaneous:

Applicants again acknowledge the indication that the citations listed, but struck through, on the previously filed PTO-1449 Forms have not been reconsidered. Applicants acknowledge, but disagree with, the Examiner's reasons for striking through the citations as the submitted PTO Form 1449: "Prior Art considered previously has not been reconsidered."

Applicants note that they submitted five separate Information Disclosure Statements during pendency of the subject

application. The first one -- dated July 29, 2003 -- cited 39 documents and provided copies thereof; the second one -- dated September 15, 2003 -- cited one document, U.S. Patent No. 6,534,179 and provided a copy thereof; the third one -- dated March 28, 2005 -- cited one document, U.S. Patent No. 6,620,905, but did not provide a copy thereof consistent with the prevailing practice at that time; the fourth one -- dated May 9, 2005 -- cited one publication to T. Agag et al. and provided a copy thereof; and the fifth one -- dated May 31, 2005 -- cited one publication to T. Takeichi et al. and provided a copy thereof.

None of the four documents -- two U.S. patents and two publications -- cited in the subsequently filed four Information Disclosure Statements had been cited in the initial July 28, 2003 Information Disclosure Statement.

As such, Applicants do not comprehend the Examiner's reason for striking through the citations.

Applicants reiterate that they have provided appropriate citations, and know of no such requirement regarding month and year of the cited publication, as the Examiner has asserted in the Action. Indeed, the Examiner has provided no such support for that assertion. Applicants again respectfully request that the Examiner point out where such requirement

Application No. 10/607,111
Amendment After Final Rejection dated February 24, 2006
Office Action of January 9, 2006

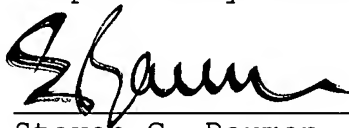
exists. Failing that, Applicants respectfully request that the cited material be considered by the Examiner and that Examiner indicate that she has done so by initialing the previously provided Form PTO-1449, and returning to Applicants the so-initialed forms together with the next communication.

Applicants respectfully request a prompt and favorable re-examination of the subject application.

This paper represents an earnest attempt at advancing prosecution on the merits, and thus Applicants respectfully submit that entry hereof is proper.

Applicants' undersigned attorney may be reached by telephone at (860) 571-5001, by facsimile at (860) 571-5028 or by e-mail at steve.bauman@us.henkel.com. All correspondence should be directed to the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bauman', written over a horizontal line.

Steven C. Bauman
Attorney for Applicants
Registration No. 33,832

HENKEL CORPORATION
Legal Department
1001 Trout Brook Crossing
Rocky Hill, Connecticut 06067

EXHIBIT A

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

Home	Quick	Advanced	Pat Num	Help
Next List		Bottom	View Cart	

Searching 1976 to present...

Results of Search in 1976 to present db for:

(EXP/(morgan-kriellion OR sanders-kriellion) AND ACLM/about): 122 patents.




















Hits 1 through 50 out of 122

[Next 50 Hits](#)

[Jump To](#)

[Refine Search](#) |

PAT. NO.	Title
1 6,689,826	Curable cyanoacrylate compositions and method of detecting cure
2 6,509,399	Non-yellowing part-tertiary-alkyl phenyl substituted triazine and pyrimidine ultraviolet light absorbers
3 6,433,056	Fluidized polymer suspension of hydrophobically modified poly(acetal- or ketal-polyether) polyurethane and polyacrylate
4 6,420,475	Tear resistant elastic crystal gels gel composites and their uses
5 6,410,619	Method for conditioning organic pigments
6 6,331,585	Formulations for making protective paints and coatings
7 6,313,183	Process for preparing thermoplastic rubbers from vulcanized rubber scrap materials and olefinic plastic
8 6,306,933	Cellulose ether slurries
9 6,284,817	Conductive, resin-based compositions
10 6,277,905	Process for improving the toughness of PCT formulations by adding rubber impact modifiers
11 6,271,297	General approach to nanocomposite preparation
12 6,262,157	Polyethylene crosslinkable composition
13 6,262,150	Aqueous injection molding binder composition and molding process
14 6,258,883	Oxygen scavenging system and compositions
15 6,248,816	Thermoplastic polymer composition containing dye compositions
16 6,245,844	Nucleating agent for polyesters
17 6,245,831	Disposable articles having biodegradable nonwovens with improved fluid management properties

- 18 6,232,381  Stabilization of tin-coupled polymers
 - 19 6,228,913  Process of improving the leveling of a floor polish composition
 - 20 6,228,910  Weatherable colored resin compositions
 - 21 6,225,388  Biodegradable thermoplastic composition with improved wettability
 - 22 6,218,463  Ocular devices manufactured with free radical-polymerizable latent ultra-violet absorbers
 - 23 6,218,450  Copolyester containing isophthalic acid, 1,4-cyclohexanedimethanol, 4,4'-biphenyldicarboxylic acid and an ultraviolet light absorbing compound and articles made therefrom
 - 24 6,211,325  High strength plastic from reactive blending of starch and polylactic acids
 - 25 6,204,316  Binder system method for particular material
 - 26 6,201,044  Post-dye screen printing
 - 27 6,197,860  Biodegradable nonwovens with improved fluid management properties
 - 28 6,197,854  Polycarbonate composition resistant to gamma radiation
 - 29 6,197,852  Polyolefin concentrates and composition having improved carbon black dispersion
 - 30 6,194,485  Compounding process for achieving uniform, fine particle size dispersion of curing agents with minimal use of solvents
 - 31 6,191,201  Baking oven interior coating and process therefor
 - 32 6,191,200  Extended life fluorescence polyvinyl chloride sheeting
 - 33 6,187,846  Thermally stabilized, pigmented, stereoregular, branched-mono-1-olefin polymer compositions
 - 34 6,187,839  Methods of sealing compositions and methods
 - 35 6,184,273  Coating composition containing a compound with latent functionality
 - 36 6,153,674  Fire barrier material
 - 37 6,153,666  Radiation-attenuating sheet material
 - 38 6,150,479  Radical-curable adhesive compositions, reaction products of which demonstrate superior resistance to thermal degradation
 - 39 6,150,449  Fire resistant compositions
 - 40 6,147,149  Adhesive caulking material which can mimic the appearance of a multicolored stone surface
 - 41 6,140,402  Polymeric adhesive paste
 - 42 6,133,367  Ethylene vinyl acetate blends
 - 43 6,130,287  Colloidally stabilized emulsion polymer
 - 44 6,127,467  Aminocarboxylate salts as corrosion inhibitors in coating applications
 - 45 6,124,391  Superabsorbent polymers having anti-caking characteristics
 - 46 6,114,424  Opalescent cosmetic compositions and methods for their preparation
 - 47 6,110,999  Reusable adhesive composition and method of making the same
 - 48 6,106,633  Method of preventing damage to bottle labels and composition thereof
 - 49 6,096,812  Low density, light weight intumescent coating
 - 50 6,093,761  Binder system and method for particulate material
-

	Next List	Top	View Cart	
Home	Quick	Advanced	Pat Num	Help

EXHIBIT B

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

Home	Quick	Advanced	Pat Num	Help
Bottom		View Cart		

Searching 1976 to present...

Results of Search in 1976 to present db for:

((EXP/(morgan-kriellion OR sanders-kriellion) AND ACLM/about) AND ACLM/((thermoset OR epoxy) OR benzoxazine)): 20 patents.

Hits 1 through 20 out of 20

Jump To	<input type="text"/>
----------------	----------------------

Refine Search	<input type="text" value="exp/(morgan-kriellion or sanders-kriellion) and aclm/("/>
----------------------	-------------------------------------------------------------------------------------

PAT. NO.	Title
1 6,509,399	T Non-yellowing part-tertiary-alkyl phenyl substituted triazine and pyrimidine ultraviolet light absorbers
2 6,331,585	T Formulations for making protective paints and coatings
3 6,277,905	T Process for improving the toughness of PCT formulations by adding rubber impact modifiers
4 6,271,297	T General approach to nanocomposite preparation
5 6,228,910	T Weatherable colored resin compositions
6 6,201,044	T Post-dye screen printing
7 6,184,273	T Coating composition containing a compound with latent functionality
8 6,150,479	T Radical-curable adhesive compositions, reaction products of which demonstrate superior resistance to thermal degradation
9 6,140,402	T Polymeric adhesive paste
10 6,133,367	T Ethylene vinyl acetate blends
11 6,096,812	T Low density, light weight intumescent coating
12 6,077,893	T Compositions of poly(phenylene ether) and polyester resins, which exhibit improved flow
13 5,025,048	T Organosilicon composition comprising stabilizer
14 5,023,284	T Phosphate/epoxy stabilizer for extrudable polyester blends
15 4,999,391	T Halogen substituted phthalimide flame retardants
16 4,983,654	T Phosphate/epoxy stabilizer for extrudable polyester blends
17 4,843,116	T UV light stabilizer composition comprising cyclic aliphatic epoxy, UV screener, and polyalkyldipiperidine (HALS) compounds
18 4,800,215	T Compositions prepared from dialkanolamines and triglycidyl ethers of trisphenols

